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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,567	06/30/2003	Hiroataka Ohashi	116225	7297
25944	7590	02/10/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			DEBROW, JAMES J	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/608,567		OHASHI ET AL.	
	Examiner		Art Unit	
	James J. Debrow		2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/30/2003; 8/9/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in responsive to communications: Application filled on 6/30/2003.
2. Claims 1-28 are pending in this case. Claims 1 - 4, and 21 - 28, are independent claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1-28** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1, and 21, are rejected under 35 U.S.C. 102(b) as being anticipated by McCaskey et al. (Pub. No.: US 2002/0152245 A1; Filing Date: Apr. 5, 2001).**

In regards to independent claims 1, and 21, McCaskey et al. discloses an invention that relates to the electronic publication of news text and news images on the World Wide Web. The invention is made up of a computer system including, but not limited to, one or more subsystems, memory and storage devices, a set of interrelated programs, an editorial database. The invention's computer system is connected to the World Wide Web (0049, Fig 1). The primary input to the invention is a daily set of story files produced in HTML dump format (0054, lines 1-2). These files are created in the routine production of the daily printed newspaper, and originate on newspaper source system. The computer-stored input images include news photos, advertising photos, and related graphics (*plurality of pieces of published information*) (0050, lines 5-10). Each story file contains the text of the story, and a series of identifiably-marked data fields, called tags (*identification information*), containing classification and other descriptive information concerning that story. The invention's filter program uses

Art Unit: 2176

selected style tags to place the story correctly in the editorial database, and thus in the new Web pages (0054, lines 4-7, line 11-13). McCaskey et al. also disclose a news story may be a news story marked up for printing in the newspaper, or it may be a caption marked up for printing a news picture. "Marked up" means that directions concerning the story text formatting, story placement, and links to other stories and information are embedded in the story text. These markup directions are also called meta tags, or style tags (*arrangement control information*) (0056). McCaskey et al. further disclose, stories from the newspaper are stored in the editorial database (*information storage region*) in component form (0067, lines 5-6; Fig 3). The editorial database incorporates tables, which reduce database access overhead. The meta-story table contains style tags extracted from the stories in the story files (0071, lines 3-4, 403 Fig. 3).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2-20, and 22-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over McCaskey et al. (Pub. No.: US 2002/0152245 A1; Filing Date: Apr. 5, 2001), in view of Guttman et al. (Patent No.: 6,173,286 B1; Date of Patent: Jan. 9, 2001).**

In regards to independent claims 2 – 4, McCaskey et al. discloses an invention that relates to the electronic publication of news text and news images on the World Wide Web. The invention is made up of a computer system including, but not limited to, one or more subsystems, memory and storage devices, a set of interrelated programs, an editorial database. The invention's computer system is connected to the World Wide Web (0049, Fig 1). The primary input to the invention is a daily set of story files produced in HTML dump format (0054, lines 1-2). These files are created in the routine production of the daily printed newspaper, and originate on newspaper source system. The computer-stored input images include news photos, advertising photos, and related graphics (*plurality of pieces of published information*) (0050, lines 5-10). Each story file contains the text of the story, and a series of identifiably-marked data

fields, called tags (*identification information*), containing classification and other descriptive information concerning that story. The invention's filter program uses selected style tags to place the story correctly in the editorial database, and thus in the new Web pages (0054, lines 4-7, line 11-13). McCaskey et al. also disclose a news story may be a news story marked up for printing in the newspaper, or it may be a caption marked up for printing a news picture. "Marked up" means that directions concerning the story text formatting, story placement, and links to other stories and information are embedded in the story text. These markup directions are also called meta tags, or style tags (*arrangement control information*) (0056). McCaskey et al. further disclose, stories from the newspaper are stored in the editorial database (*information storage region*) in component form (0067, lines 5-6; Fig 3). The editorial database incorporates tables, which reduce database access overhead. The meta-story table contains style tags extracted from the stories in the story files (0071, lines 3-4, 403 Fig. 3).

McCaskey et al. does not disclose expressly, *storing the published information in storage region when there is not identical or related, storage region and published information identification.*

However, Guttman et al. discloses an invention that optimizes publication layouts. Guttman et al. discloses a database contain object-oriented elements (column 5, lines 26; Fig 2). During placements of the objects with the layout, Guttman et al. invention determines if the object meets the minimum space requirements. If the object meets the minimum space requirements, the object is inserted in the space, otherwise

the process is aborted and the system performs the necessary cleanup function (column 12, lines 56-59; 676 Fig 6D).

Therefore, at the time of the invention, it would have been obvious to combine Guttman et al. with McCaskey et al., for the benefit of producing an optimized publication layout, to obtain the invention as specified in the claim(s).

In regards to dependent claims 5-9, these claims contain substantially similar subject matter as in claim 4, and therefore are rejected along the same rationale.

In regards to dependent claims 10-13, McCaskey et al. discloses the topic of the story determines a story's placement on the web (0122, line 1). To determine the Website topic of a story for the Website, the filter program uses the style tags for the edition, story name, page assigned, basket, topic, keyword, and a story number supplied to the input file. The filter program then test combinations (*similarity*) of these style tags to establish a *value* for the topic as required by the Website (0122). McCaskey et al. also disclose another embodiment of the invention's translation process, where the story's topic and other similar data elements values are determined by the application of a set of tabulated rules to test the style tag combination (*similarity*) (0125).

In regards to dependent claim 14, McCaskey et al. does not discloses expressly, *deleting relevant information storage region*.

However, Guttman et al. discloses an invention that optimizes publication layouts. Guttman et al. discloses a database contain object-oriented elements (column 5, lines 26; Fig 2). During placements of the objects with the layout, Guttman et al. invention determines if the object meets the minimum space requirements. If the object meets the minimum space requirements, the object is inserted in the space, otherwise the process is aborted and the system performs the necessary cleanup function (*delete relevant information storage region*) (column 12, lines 56-59; 676 Fig 6D).

Therefore, at the time of the invention, it would have been obvious to combine Guttman et al. with McCaskey et al., for the benefit of producing an optimized publication layout, to obtain the invention as specified in the claim(s).

In regards to dependent claim 15, McCaskey et al. does not discloses expressly, *storing margin-filling information in the relevant information storage region*.

However, Guttman et al. discloses an invention that optimizes publication layouts. Guttman et al. discloses a database contain object-oriented elements (column 5, lines 26; Fig 2). During placements of the objects with the layout, Guttman et al. invention determines if the object meets the minimum space requirements. If the object meets the minimum space requirements, the object is inserted in the space, otherwise the process is aborted and the system performs the necessary cleanup function (*storing margin-filling information in the relevant information storage region*) (column 12, lines 56-59; 676 Fig 6D).

Therefore, at the time of the invention, it would have been obvious to combine Guttman et al. with McCaskey et al., for the benefit of producing an optimized publication layout, to obtain the invention as specified in the claim(s).

In regards to dependent claim 16, this claim contains substantially similar subject matter as in claim 4, and therefore is rejected along the same rationale.

In regards to dependent claims 17, and 18, McCaskey et al. does not disclose expressly, *level of priority*.

However, Guttman et al. discloses an invention that optimizes publication layouts. Guttman et al. discloses a database contain object-oriented elements (column 5, lines 26; Fig 2). During placements of the objects with the layout, Guttman et al. invention determines if the object meets the minimum space requirements. If the object meets the minimum space requirements, the object is inserted in the space, otherwise the process is aborted and the system performs the necessary cleanup function (column 12, lines 56-59; 676 Fig 6D). Guttman et al. further discloses a block representation of the computer generating the fitness of the different publication layouts (*similarity*) (column 8, line 18-20; 306 Fig 3). The evaluation of the publication layout represents an aggregation of the fitness values for each individual PlaceableItem object in the list (*similarity value*) (column 8, lines 27-30). The computer selects a subset of the ordered lists from the population based on the total fitness values (*priority*) (column 8, line 52-54; 312 Fig 3).

Therefore, at the time of the invention, it would have been obvious to combine Guttman et al. with McCaskey et al., for the benefit of producing an optimized publication layout, to obtain the invention as specified in the claim(s).

In regards to dependent claims 19, and 20, McCaskey et al. does not disclose expressly, storing user *information regarding a user*.

However, Guttman et al. discloses with regards to interfaces with external client databases, the invention can accept various input data to support the publication layout process. Using the broadest interpretation, determines that this includes user information.

Therefore, at the time of the invention, it would have been obvious to combine Guttman et al. with McCaskey et al., for the benefit of producing an optimized publication layout, to obtain the invention as specified in the claim(s).

In regards to independent claims 22 - 25, McCaskey et al. discloses an invention that relates to the electronic publication of news text and news images on the World Wide Web. The invention is made up of a computer system including, but not limited to, one or more subsystems, memory and storage devices, a set of interrelated programs, an editorial database. The invention's computer system is connected to the World Wide Web (0049, Fig 1). The primary input to the invention is a daily set of story files produced in HTML dump format (0054, lines 1-2). These files are created in the routine production of the daily printed newspaper, and originate on newspaper source

system. The computer-stored input images include news photos, advertising photos, and related graphics (*plurality of pieces of published information*) (0050, lines 5-10). Each story file contains the text of the story, and a series of identifiably-marked data fields, called tags (*identification information*), containing classification and other descriptive information concerning that story. The invention's filter program uses selected style tags to place the story correctly in the editorial database, and thus in the new Web pages (0054, lines 4-7, line 11-13). McCaskey et al. also disclose a news story may be a news story marked up for printing in the newspaper, or it may be a caption marked up for printing a news picture. "Marked up" means that directions concerning the story text formatting, story placement, and links to other stories and information are embedded in the story text. These markup directions are also called meta tags, or style tags (*arrangement control information*) (0056). McCaskey et al. further disclose, stories from the newspaper are stored in the editorial database (*information storage region*) in component form (0067, lines 5-6; Fig 3). The editorial database incorporates tables, which reduce database access overhead. The meta-story table contains style tags extracted from the stories in the story files (0071, lines 3-4, 403 Fig. 3).

McCaskey et al. does not discloses expressly, *storing the published information in storage region when there is not identical or related, storage region and published information identification.*

However, Guttman et al. discloses an invention that optimizes publication layouts. Guttman et al. discloses a database contain object-oriented elements (column

5, lines 26; Fig 2). During placements of the objects with the layout, Guttman et al. invention determines if the object meets the minimum space requirements. If the object meets the minimum space requirements, the object is inserted in the space, otherwise the process is aborted and the system performs the necessary cleanup function (column 12, lines 56-59; 676 Fig 6D).

Therefore, at the time of the invention, it would have been obvious to combine Guttman et al. with McCaskey et al., for the benefit of producing an optimized publication layout, to obtain the invention as specified in the claim(s).

In regards to independent claims 27 - 28, McCaskey et al. discloses an invention that relates to the electronic publication of news text and news images on the World Wide Web. The invention is made up of a computer system including, but not limited to, one or more subsystems, memory and storage devices, a set of interrelated programs, an editorial database. The invention's computer system is connected to the World Wide Web (0049, Fig 1). The primary input to the invention is a daily set of story files produced in HTML dump format (0054, lines 1-2). These files are created in the routine production of the daily printed newspaper, and originate on newspaper source system. The computer-stored input images include news photos, advertising photos, and related graphics (*plurality of pieces of published information*) (0050, lines 5-10). Each story file contains the text of the story, and a series of identifiably-marked data fields, called tags (*identification information*), containing classification and other descriptive information concerning that story. The invention's filter program uses

selected style tags to place the story correctly in the editorial database, and thus in the new Web pages (0054, lines 4-7, line 11-13). McCaskey et al. also disclose a news story may be a news story marked up for printing in the newspaper, or it may be a caption marked up for printing a news picture. "Marked up" means that directions concerning the story text formatting, story placement, and links to other stories and information are embedded in the story text. These markup directions are also called meta tags, or style tags (*arrangement control information*) (0056). McCaskey et al. further disclose, stories from the newspaper are stored in the editorial database (*information storage region*) in component form (0067, lines 5-6; Fig 3). The editorial database incorporates tables, which reduce database access overhead. The meta-story table contains style tags extracted from the stories in the story files (0071, lines 3-4, 403 Fig. 3).

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Therefore, at the time of the invention, it would have been obvious to combine Guttman et al. with McCaskey et al., for the benefit of producing an optimized publication layout, to obtain the invention as specified in the claim(s).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Debrow
Examiner
Art Unit 2176


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